Claims 1-10 are pending, Claims 7-10 being added by this Amendment.

The new claims merely recite limitations that have been canceled from the original claims. No new matter has been added.

The Examiner has called for a substitute specification, and one is provided herewith. A marked-up copy of the original specification is also enclosed, showing the changes that were made to arrive at the substitute specification.

Although some of the wording has been changed, the changes are organizational and grammatical only, and do not add or subtract from the scope of the invention, and do not change the definition of the invention in any way. Thus no new matter is added, and the undersigned certifies that no new matter has been added.

The Examiner will note that the word "not" has been added to the text in the second line from the bottom of Page 7 of the original specification. It is clear from the context of that paragraph that the wording was intended to recite --not exceed 25%--, and not to recite "exceed 25%". Thus, something cannot "exceed 25%" and yet be "preferably less than 15%."

This correction is obviously the correction of a typographical error, and does not introduce new matter.

The Abstract has been revised, as required.

Claim 6 stands rejected under 35 USC 112, second paragraph; and also stands objected to, for reasons more specifically explained in the Office Action.

Claim 6, as well as all of the other original claims, has now been amended. All of the claims are now believed to comply with 35 USC 112 and the Rules of Practice. The rejection of Claim 6 under 35 USC 112, and the objection to said same claim should now be withdrawn.

Claims 1-3 stand rejected under 35 USC 102(e) as anticipated by Hansenne et al. (US 6,051,211).

The Examiner sees Hansenne as teaching certain thickeners which, according to the Examiner, "can describe cationic polymer". The Examiner apparently sees Hansenne's "thickeners" as being the same thing as Applicants' cationic polymer.

Hansenne's thickeners (col. 5, lines 3-9) cannot be interpreted as including cationic polymers. Although Hansenne mentions "modified gar gums", he qualifies them as being "such as hydroxypropylated gar gum". This cannot be considered a "cationic gar gum", such as Applicants mention at page 6, line 11. In addition, there is nothing in Hansenne that would cause any person skilled in the art to use a cationic gar gum for a thickener, as cationic polymers, especially cationic gar gum, would not be

thought of as thickeners. Hansenne therefore neither teaches nor suggests any cationic polymers.

Moreover, none of Hansenne's compositions actually comprise at least 80% water and water-soluble substances.

Accordingly, Applicants' claims are neither anticipated nor suggested by Hansenne, and the rejection of Claims 1-3 under 35 USC 102(e) as anticipated by Hansenne should now be withdrawn.

Claims 4, 5 and 6 stand rejected under 35 USC 103(a) as obvious over Hansenne in view of Seidel.

The Examiner adds the Seidel reference to show the use of cationic polymers. However, Seidel is dealing with an oil in water emulsion, not a water in oil emulsion. This combination of references could not possibly lead to Applicants' water in oil emulsion because: (1) it would make no sense to use an oil-in-water emulsifier in a water-in-oil emulsion; (2) Hansenne does not use a cationic polymer in the first place, so there is nothing in Hansenne that could be substituted by Seidel's emulsifiers; and (3) nothing in either reference would teach or suggest the unexpected advantages that Applicants have discovered, which lead to the 80% water content of their emulsions.

The rejection of Claims 4, 5 and 6 under 35 USC 103(a) as obvious over

Hansenne in view of Seidel should accordingly now be withdrawn.

Finally, Applicants note that the Office Action Summary of October 27, 2000 indicated that a copy of the IDS (Form PTO-1449) was attached to the Office Action. When the Office Action was received, no 1449 form could be found. The Examiner is respectfully requested to send Applicants a copy of same.

In view of the present amendments and remarks it is believed that claims 1-6 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Assistant Commissioner for Patents, Washington, D.C. 20231 on April 27, 2001

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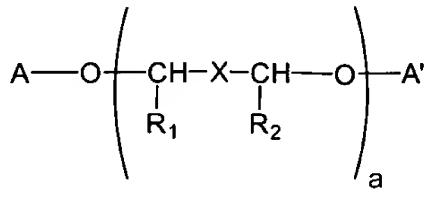
Date: **April 27, 2001**

MARKED-UP COPIES OF AMENDED CLAIMS,
SHOWING CHANGES RELATIVE TO PREVIOUS VERSION

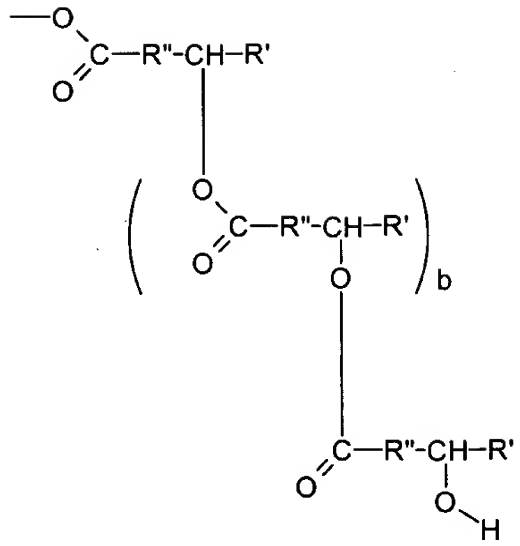
1. (amended) [Water-in-oil emulsions] A water-in-oil emulsion

(a) with a content of water and optionally water-soluble substances totalling at least 80% by weight, and with a content of lipids, emulsifiers and lipophilic constituents of less than 20%, in each case based on the total weight of the preparations,

(b) comprising at least one surface-active substance [chosen] selected from the group consisting of substances of the general formula (I)

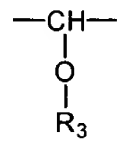


– where A and A' are identical or different organic radicals [chosen] selected from the group consisting of branched and unbranched, saturated and unsaturated alkyl and acyl radicals and hydroxyacyl radicals having 10 - 30 carbon atoms, and [also from] the group consisting of hydroxyacyl groups bonded together via ester functions, according to the scheme



where R' is [chosen] selected from the group consisting of branched and unbranched alkyl groups having 1 to 20 carbon atoms, and R" is [chosen] selected from the group consisting of branched and unbranched alkylene groups having 1 to 20 carbon atoms, and b [can assume numbers] is a number from 0 to 200,

- a is a number from 1 to 100, [preferably from 2 to 60, in particular from 5 to 40,]
- X is a single bond or the group



- R_1 and R_2 independently of one another are [chosen] selected from the group consisting of H [or] and methyl,
- R_3 is [chosen] selected from the group consisting of H, and of

branched and unbranched, saturated and unsaturated alkyl- and acyl radicals having 1 - 20 carbon atoms,

(c) additionally comprising at least one cationic polymer.

2. (amended) [Emulsions] A water-in-oil emulsion according to Claim 1, [characterized in that their] wherein the content of water and water-soluble substances is greater than 80% by weight, [in particular greater than 85% by weight, in each case] based on the total weight of the [preparations] emulsion.

3. (amended) Emulsion[s] according to Claim 1, [characterized in that] wherein the surface-active substance [chosen] is polyethylene glycol-30 dipolyhydroxystearate.

4. (amended) Emulsion[s] according to Claim 1, [characterized in that] wherein the oil phase [consists of] comprises at least 50% by weight[, preferably of more than 75% by weight,] of at least one substance [chosen] selected from the group consisting of [Vaseline (]petrolatum[)], paraffin oil and polyolefins[, preference being given amongst the latter to polydecenes].

5. (amended) Emulsion[s] according to Claim 1, [characterized in that they comprise] comprising from 0.01 to 10%[, preferably 0.25 - 1.25 %,] of cationic polymers.

6. (amended) Emulsion[s] according to Claim 1, [characterized in that the cationic polymer(s) is/are chosen] wherein said at least one cationic polymer is selected from the group consisting of cationic cellulose derivatives, cationic starch, copolymers of diallylammonium salts and acrylamides, quaternized vinylpyrrolidone/ vinylimadazole polymers, condensation products of polyglycols and amines, quaternized collagen polypeptides, quaternized wheat polypeptides, polyethyleneimine, cationic silicone polymers, copolymers of adipic acid with dimethylaminohydroxypropyldiethylenetriamine, copolymers of acrylic acid with dimethyldiallylammonium chloride, polyaminopolyamides, cationic chitin derivatives, cationic guar gum, quaternized ammonium salt polymers, and cationic biopolymers [such as, for example, chitosan (average molecular weight from 50,000 to 2,000,000 g/mol [determined by means of gel permeation chromatography] and a degree of deacylation of from 10 to 99% [determined by means of ^{1}H-NMR])].

ABSTRACT

Water-in-oil emulsions comprising at least one cationic polymer, at least one surface active substance and a content of water and optional water-soluble substances totalling at least 80% based on the total weight of the emulsions.